

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

Keith Shearer)
Petitioner)

v.)

United States of America)
Respondent)

Case No: 1:01-CR-237

J Kane

FILED
HARRISBURG, PA

DEC 1 2005

EMERGENCY MOTION
FOR MODIFICATION OF SENTENCE

MARY E. D'AMICO, CLERK
Per [Signature]
Deputy Clerk

NOW COMES, Petitioner Keith Shearer, filing Pro Se, and moves this Court for an order on an expedited or emergency basis as follows:

Petitioner was sentenced to a term of 8 months. He has nearly completed the sentence being within 28 days of release to a halfway house where he is to spend only 20 days before being fully released.

Petitioner seeks relief as to the terms of his custody in the halfway house at least, and of the remaining prison time.

Petitioner has suddenly incurred health problems and subjected additionally to factors for which he believes damage will be suffered above and beyond that allowed by statute for his sentencing.

II

Petitioner has suddenly developed a large golf ball sized fast growing tumor on his upper left back. It needs to be treated quickly. Simultaneously to the growth of said tumor, Petitioner has lost over 110 pounds in only six months.

The B.O.P. will not treat the growth due to Petitioner's imminent release. Petitioner has been informed that he will not be able to leave the halfway house for the 20 days and therefore seeks home confinement for the 20 days as the alternative to the halfway house so that he can quickly receive medical care.

III

Petitioner has an obligation to send out IRS 1099 and or W2 Forms to employees and subcontractors immediately after his release (approximately one working week thereafter). It will be impossible for Petitioner to complete his legal obligation if confined to the halfway house.

- Petitioner believes that the result of his forced inability to complete his obligation would unjustly result in prosecution and/or civil action.
- Up to 30 people would possibly be injured by the inability to file. (or a late filing).

If Petitioner was moved into home confinement, where he was surrounded by his records, instead of confined at the halfway house, he could complete his legal obligations while remaining in custody and serving the same sentence.

IV

Petitioner is a sole proprietorship farmer. Unless he can secure rental lands, on which he can grow crops and/or feed in 2006, he will suffer severe economic damages, if not bankruptcy, where said damages are not called for as part of his sentence and would constitute an improper "fine" or damage which this Court can mitigate (if not prevent).

If Petitioner were allowed to be home confined instead of being confined to a halfway house (and/or forced to work at some

labor job for 20 days). He could use his records and work the phone and contacts to obtain the land use required for his gainful employment (and the employment of 25 to 30 other employees/subcontractors). If Petitioner does not work, all of the other men will not have their normal work either.

Given the timing of Petitioner's release, it is crucial that Petitioner be allowed the extra leeway requested to obtain the lands.

V

The statutes allow that a prisoner may serve up to six months in home confinement. Petitioner asks only for 20 days.

Petitioner does not ask for any reduction in sentence, only a change of the place of his confinement.

Petitioner does not object to being in custody, but cannot see any reason that he should be confined at the halfway house for 20 days or to go through the charade of looking for a job that can't last longer than 20 days. Knowing that, no employer in his right mind would hire Petitioner.

Petitioner's reasons for relief mitigate damages to other people who were not convicted. They should not be forced to suffer with Petitioner.

WHEREFORE, Petitioner prays that this Honorable Court will order that:

Petitioner be confined to home confinement instead of a halfway house for the period of 20 days.

OR

In the alternative, that the Petitioner be allowed during the period of the halfway house the ability to work at his own

farming business each day and/or to spend time in seeking or obtaining medical help as required and to be free of the normal requirement to seek a temporary job or be confined to the halfway house.

Respectfully Submitted

x Keith Shearer
Keith Shearer
Petitioner Pro Se
#10875-067, Federal Prison Camp
P.O. Box 1000
Loretto, Pennsylvania,
15940

Date Signed: 11/28/05

Date placed in prison mail: 11/28/05

CERTIFICATE OF SERVICE

I, Keith Shearer, do hereby certify that a true copy of the foregoing was served upon Martin C. Carlson by placing a copy of same in the U.S. Mail, postage prepaid addressed to Federal Building, 228 Walnut St., Harrisburg, PA, 17108

11/28/05
Date

Keith Shearer
Signature

Keith Shearer 10875-067
Federal Correctional Institution
P.O. Box 1000
Loretto, Pa. 15940

Legal Correspondence

U.S. Clerk of Courts
P.O. Box 983
Harrisburg, Pa. 17108

Legal Correspondence!